

REMARKS

Applicants have reviewed and analyzed the Advisory Action dated October 23, 2008 and the final Office Action mailed July 21, 2008, and these remarks are responsive thereto. Claims 10, 14, 17-18, and 21 have been amended. Claim 22 has been added. Upon entry of this Amendment, and Request for Continued Examination filed herewith, claims 10-22 will remain pending in this application. No new matter has been added. Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 10-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks *et al.* (U.S. Patent No. 5,798,785 “Hendricks”) in view of Beer (U.S. Patent No. 5,793,368, “Beer”). These rejections are traversed for at least the following reasons.

Amended independent claim 10 recites, *inter alia*, “receiving, at the broadcast receiving device, one or more presentation criteria for making the user requested modification from the broadcast source; determining, at the broadcast receiving device, at least one of the one or more presentation criteria corresponds to the user request; and in response to determining that at least one of the one or more presentation criteria is corresponds to the user request, modifying the electronic programming guide using the at least one of the one or more presentation criteria to display an electronic programming guide in accordance with the user request.” Applicants respectfully submit that neither Hendricks nor Beer, alone or in combination, teaches or suggests the features of claim 10.

Hendricks discloses changing the format, graphics and menus of a set top terminal when the set top terminal receives signals from the network controller that reprogram the set top terminal. Hendricks, col. 26, l. 19-37, col. 27, l. 9-15. However, there is no teaching or suggestion in Hendricks of *determining, at the broadcast receiving device*, at least one of the one or more *presentation criteria corresponds to the user request*, as recited in claim 10. At most Hendricks describes the set top box having its memory erased and being reprogrammed with menu templates received from the network controller. *See* col. 26, l. 23-26.

Furthermore, Hendricks fails to teach or suggest *in response to determining* that at least one of the one or more presentation criteria is corresponds to the user request, *modifying* the

electronic programming guide *using the at least one presentation criteria* to display an electronic programming guide in accordance with the user request, as recited in claim 10.

The addition of Beer fails to cure the deficiencies of Hendricks with respect to claim 10. Beer discloses a graphical user interface stored on a computer that allows a user to input criteria to the computer to modify the contents or visual styles. Beer, col. 3, l. 50-65. There is no teaching or suggestion in Beer of any broadcast source, let alone receiving one or more presentation criteria for making a user requested modification *from the broadcast source*, as recited in claim 10. Furthermore, there is no teaching or suggestion in Beer of *determining, at the broadcast receiving device*, at least one of the one or more *presentation criteria corresponds to the user request*, as recited in claim 10. Beer also fails to teach or suggest modifying the electronic programming guide *using the at least one of the one or more presentation criteria* to display an electronic programming guide in accordance with the user request, as recited in claim 10. At most, Beer discloses building a user interface from icons stored on a server. *See* col. 5, l. 46-51. Accordingly, Applicants respectfully submit that claim 10 is allowable over the cited combination of references.

Claims 11-13 depend from independent claim 10 and are allowable for at least the same reasons as discussed above with respect to claim 10 and further in view of the additional novel and non-obvious features recited therein.

Independent claims 14 and 18 have been amended to recite language similar to claim 10 and are thus allowable for substantially similar reasons as those discussed above with respect to claim 10. Claims 15-17 and 19-22 depend from claims 14 and 18, respectively, and are thus allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests reconsideration and allowance of the instant application. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

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